

R277. Education, Administration.

R277-521. Teacher Salary Supplement Program and National Board Certification Reimbursement.

R277-521-1. Authority and Purpose.

(1) This rule is authorized by:

(a) Utah Constitution Article X, Section 3, which vests general control and supervision over public education in the Board;

(b) Section 53A-1-401, which allows the Board to make rules to execute the Board's duties and responsibilities under the Utah Constitution and state law; ~~and~~

(c) Section 53A-17a-156, which creates the TSSP and directs the Board to administer the program and establish an appeals process for eligibility determinations; and

([e]d) Section 53A-6-114, which requires the Board to make rules to specify procedures and timelines for reimbursing educators for the cost to attain or renew a National Board certification.

(2) The purpose of this rule is to specify procedures and timelines for the Teacher Salary Supplement Program and for [reimbursing] reimbursement to educators for the cost to attain or renew a National Board certification.

R277-521-2. Definitions.

(1) "~~[Eligible educator]~~Certificate teacher" means a ~~a[n educator]~~ teacher who:

(a) holds a current[~~- National Board~~] certification from the National Board for Professional Teaching Standards Certification attained or renewed[:]

([a]i) after July 1, 2016; and

([b]ii) while employed as a ~~a[n educator]~~ teacher by an LEA in Utah[:]; and

(b) is employed as a teacher by an LEA in Utah at the time of the application for reimbursement.

(2) [~~"Local education agency" or~~] "LEA" [~~means:~~

—— ~~(a) a school district;~~

—— ~~(b) a charter school; or~~

—— ~~(c)] includes, for purposes of this rule, the Utah Schools for the Deaf and the Blind.~~

(3) "Eligible teacher" means the same as that term is defined in Subsection 53A-17a-156(c).

([3]4) "National Board certification" means the same as that term is defined in Section 53A-6-103.

(5) "Substantially equivalent" means commonly recognized by a Utah university for a degree in a specific subject.

(5) "Teacher Salary Supplement Program" or "TSSP" means the salary supplement program authorized by the Legislature in Section 53A-17a-156.

R277-521-3. Teacher Salary Supplement Program.

(1) The Superintendent shall maintain an online application system for the TSSP and make it available to educators no later than October 1 each school year.

(2) An applicant for the TSSP shall apply to the Superintendent by the following deadlines:

(a) Trimester payments, prior to November 15;

(b) Semester payments, prior to January 31; and

(c) Annual payments, prior to April 30.

(3) The Superintendent shall appropriate funds to an eligible teacher in accordance with Section 53A-17a-156.

(4) An eligible teacher shall receive a partial award if the eligible teacher has a partial assignment or works less than the full school year, which shall be proportional to the teacher's assignment and the portion of the school year worked.

(5) A Title I certificate teacher shall receive a partial award if the certificate teacher has a partial assignment in a Title I school or works less than the full school year, which shall be proportional to the teacher's assignment, the portion of the assignment worked in a Title I school, and the overall portion of the school year worked.

(6)(a) If an applicant is denied funds under this Section R277-521-3, the applicant may submit a written appeal to the Superintendent prior to June 1.

(b) An appeal under Subsection (6)(a) is limited to the following issues:

(i) whether the applicant has a degree or degree major with course requirements that

are substantially equivalent to the course requirements for a degree listed in Section 53A-17a-156;

(ii) whether the applicant holds a current National Board Certification;

(iii) whether the applicant was to teach at a Title I school during the period covered by the TSSP award;

(iv) whether the Superintendent's initial denial violated Section 53A-17a-156 or this Rule R277-521; or

(v) whether the Superintendent's initial denial was based on inaccurate or missing information.

(c) The Superintendent shall designate a panel of at least two Board staff members to review an appeal made under Subsection (6)(a).

(i) A panel designated in accordance with Subsection (6)(c) may not grant an appeal contrary to the provisions of Section 53A-17a-156 or this Rule R277-521.

(ii) The panel shall issue a ruling on an appeal within 30 days of receipt of the written appeal.

(7)(a) If a panel designated in accordance with Subsection (6)(c) decides against an applicant, the applicant may appeal the decision to the Superintendent by filing a written appeal within 15 days of the date of the panel's ruling.

(b) If an applicant files an appeal in accordance with Subsection (7)(a), the appeal is limited to correction of a material and manifest error by the panel.

(c) The Superintendent shall issue a ruling on an appeal within 15 days of receipt of the written appeal.

(d) The decision of the Superintendent on an appeal under Subsection (7)(a) is the final Board administrative action.

(7) If the appropriation for TSSP is insufficient to cover all eligible teachers entitled to awards, the Superintendent shall reduce all awards by the same ratio and proportion and applications filed in accordance with Section R277-521-4 will not receive reimbursement.

R277-521-[3]4. [Application Procedures.] National Board Certification Reimbursement.

(1) The Superintendent shall establish and maintain an online application system for

National Board certification reimbursements.

(2) To receive reimbursement for the costs a ~~n-eligible educator~~ certificate teacher paid to attain or renew a National Board certification, a ~~n-eligible educator~~ certificate teacher shall submit an application through the application system established under Subsection (1).

~~[(3)(a) For fiscal year 2017, the Superintendent shall publicize the date on which applications may be submitted.~~

~~—— (b) For fiscal year 2018 and each succeeding fiscal year, the application window is July 1 to June 30.]~~

~~[(4)3(a) Subject to legislative appropriations, the Superintendent shall reimburse a~~
~~[eligible educators] certificate teacher on a first come, first served basis until funds~~
~~appropriated for National Board certification reimbursements are exhausted for that fiscal year.~~

~~[(b) The amount appropriated for National Board certification reimbursements is~~
~~\$88,300.]~~

~~[(c)b] If funds are insufficient to reimburse all [eligible educators] certificate teachers~~
~~who apply in any given fiscal year, subject to legislative appropriations, the Superintendent~~
~~shall reimburse [eligible educators] a certificate teacher who did not receive reimbursement~~
~~the previous fiscal year on a first come, first served basis.~~

~~[(d) The Superintendent may only reimburse an eligible educator for costs the eligible~~
~~educator paid to attain or renew a National Board certification.]~~

(c) The Superintendent shall determine funding for National Board certification
reimbursement after all disbursements for the TSSP have been paid.

KEY: eligible educator, National Board certification

Date of Enactment or Last Substantive Amendment: [February 7, 2017]2018

Authorizing, and Implemented, or Interpreted Law: Art X Sec 3; 53A-1-401; 53A-6-114